

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER HICKOK and  
SHANNON HICKOK, as Parents  
and Next Friends of SAMANTHA  
HICKOK, a Minor,

Plaintiffs,

vs.

Cause # 2:15-cv-01020-MV-SMV

MICHAEL L. BUZAN and  
MARIANNE E. BUZAN,

Defendants.

**ORDER APPOINTING GUARDIAN AD LITEM**

THIS MATTER having come before the Court for the appointment of a Guardian ad Litem to assist the Court in evaluating a proposed settlement of this pending litigation benefitting Samantha Hickok, a minor child, the Court having reviewed the file, including the Joint Petition for Appointment of Guardian ad Litem previously filed in this case, and being otherwise fully advise, hereby finds:

1. A Guardian ad Litem should be appointed by the Court in connection with the Court's consideration of matter relating to settlement of a minor's claims in this matter.
2. The Guardian ad Litem should be appointed to investigate on behalf of the Court into the fairness and reasonableness of a proposed settlement and its effect on the minor.
3. As the Court-appointed Guardian ad Litem, Michael F. Hart should be entitled to participate, to have notice of all proceedings regarding the Court's consideration of the settlement and to receive those documents and materials necessary to enable his performance

of services on behalf of the Court.

4. The Guardian ad Litem should have access to all medical and other relevant records of the minor child which are relevant to the issues in this case.

5. At any hearing in this case, the Guardian ad Litem should report to the Court on the nature and scope of his investigation, his conclusions and his recommendations regarding both the fairness and reasonableness of the proposed settlement and the manner in which the settlement monies shall be held/used on behalf of the minor child.

6. The Guardian ad Litem's appointment does not contemplate representation of the minor as an advocate, but only as a functionary of the Court. The Guardian ad Litem's responsibilities under this appointment should be to the Court in fulfilling its obligation to the child.

7. There are strong public policy reasons to grant immunity to the Guardian ad Litem in this case, who is acting as an "arm of the Court" and is performing an essential role in this Court's administration of justice, as the Judge's assistant.

8. All immunities and privileges available to the Guardian ad Litem, as articulated by the New Mexico Supreme Court in Collins vs. Tabet, 111 N.M. 391, 806 P. 2d 40, (1991) should be extended to the Guardian ad Litem in this matter.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that F. Michael Hart shall be appointed Guardian ad Litem for Samantha Hickok, as an "arm of the Court" appointed in connection with this Court's consideration of a settlement involving a minor child, consistent with all findings above. F. Michael Hart shall be absolutely immune from any liability for his actions taken pursuant to this appointment, insofar as his conduct in this case

is as a result of an investigation of behalf of this Court into the fairness and reasonableness of the settlement and its effect on the minor child. The Guardian ad Litem's duties and obligations in this Court are owed to the Court in fulfilling its obligations to the minor child.

This appointment of F. Michael Hart as Guardian ad Litem is intended to convey upon him all of the immunities and protections allowed or provided under Collins vs. Tabet, 111 N.M. 391, 806 P. 2d 40 (1991).

Guardian ad Litem fees shall be paid by the defendants.



Honorable Stephan M. Vidmar

Submitted by:

/s/ Mark J. Klecan  
MARK J. KLECAN  
Attorney for Defendants

Approved on August 30, 2016 by e-mail:

/s/ Ronald Segel  
RONALD SEGEL  
Attorney for Plaintiffs

Approved on August 30, 2016 by e-mail:

/s/ F. Micheal Hart  
F. MICHAEL HART  
Guardian ad Litem